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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES ELLIOTT BROWN,

Defendant and Appellant.

A153839

(Solano County  
Super. Ct. No. FCR322998)

James Elliot Brown appeals following his no contest plea to felony evading an officer in willful disregard in violation of Vehicle Code section 2800.2, subdivision (a). His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. Brown was informed of his right to file a supplemental brief and did not do so. (*People v. Kelly* (2006) 40 Cal.4th 106, 124.) Having independently reviewed the record, we conclude there are no reasonably arguable issues requiring further review. The judgment is affirmed.

**FACTUAL AND PROCEDURAL BACKGROUND**

Brown was charged by information with one count of felony evading an officer in willful disregard (Veh. Code, § 2800.2, subd. (a)) and one count of misdemeanor driving with suspended or revoked driving privileges (*id.*, § 14601.1, subd. (a)). The charges stemmed from a high speed police chase after Brown fled from an officer who tried to pull him over for riding a motorcycle recklessly. The chase went on for seven to eight miles, mainly on the I-80.

Brown pled no contest to the felony count for evading an officer in willful disregard. Pursuant to the plea agreement, the remaining misdemeanor count was dismissed. The trial court suspended imposition of a sentence, placed Brown on formal probation for three years, and ordered that he serve 210 days in county jail. The trial court imposed probation conditions, including a search and seizure condition. Brown filed a notice of appeal stating the appeal was based on his sentence or other matters occurring after the plea. Thereafter, Brown sought leave to file a late request for a certificate of probable cause, indicating he would challenge the imposition of the search and seizure probation condition pursuant to *People v. Lent* (1975) 15 Cal.3d 481. Brown eventually obtained a certificate of probable cause from the trial court.

#### **DISCUSSION**

Brown's counsel has represented that she advised Brown of her intention to file a *Wende* brief in this case and of Brown's right to submit supplemental briefing on his own behalf. (*People v. Kelly, supra*, 40 Cal.4th at p. 124.) Brown has not done so.

Brown's plea appears from the record to have been free and voluntary. His jail term was in accord with his plea. Fines and fees were imposed in lawful measure. Imposition of the search and seizure probation condition in this case was reasonable. (Pen. Code, § 1203.1; *People v. Balestra* (1999) 76 Cal.App.4th 57, 65 & fn. 3, 67; see also *People v. Bravo* (1987) 43 Cal.3d 600, 608.) Brown was represented by counsel throughout the proceedings below, and our independent review of the record reveals no reasonably arguable issue that requires further briefing. (*People v. Wende, supra*, 25 Cal.3d 436; *Anders v. California* (1967) 386 U.S. 738, 744.)

#### **DISPOSITION**

The judgment is affirmed.

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Fujisaki, J.

WE CONCUR:

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Petrou, Acting P.J.

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Wiseman, J.\*

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\* Retired Associate Justice of the Court of Appeal, Fifth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.